Chapter 4
OPERATIONAL PLANNING/SCOPING MEETING

UTILITY IDENTIFICATION

Prior to the Operational Planning Meeting, utilities with facilities on or near the project must be identified. On long complicated projects, or projects involving many local units of government, this can be a difficult and time-consuming process. See Chapter 3, "Utility Identification and Notification" for more information on utility identification.

INVITE UTILITIES TO THE OPERATIONAL PLANNING MEETING

Early in the design process, the utilities should be invited to the Operational Planning Meeting (OPM) or a similar scoping type of meeting. Figure 4-1 is an example letter of invitation for a non-Trans. 220 project, or a project where the initial notification has already occurred.

For Trans. 220 projects, it is suggested that you combine the OPM invitation with the Trans. 220 "Proposed Highway Improvement Notice," (Form DT1077) which must be sent to utility companies for all STH projects except for connecting streets. Figure 3-4 in Chapter 3 is an example of a combination notification and OPM invitation letter. (See Chapter 1 "Introduction" and Chapter 3 "Utility Identification and Notification" for more information on Form DT1077 and Trans. 220.)

Utility companies are organizations with a specific hierarchy, and their own internal procedures for routing correspondence and assigning duties. The person who must be notified of the OPM is not necessarily the person who will attend the meeting. Frequently a representative of the Local Office will attend the meeting, but someone in the utility's Central Office must receive the letter of invitation. Therefore, the invitation should be sent about 60 days prior to the OPM.

All the utilities must be invited to the Operational Planning Meeting (or similar meeting). Check with the Region Utility Coordinator to see who will be responsible for sending out the invitations to the utilities. For consultant-designed projects, the consultant's Designer is often responsible for inviting the utilities to the OPM **and** sending out the Trans. 220 Form DT1077 "Proposed Highway Improvement Notice" unless other arrangements have been made.

Trans. 220 requires that a utility company respond within 60 days of receiving the Form DT1077 "Proposed Highway Improvement Notice." Their response must indicate whether or not they have facilities within the project area. If they do have facilities, they must indicate the general location of where their facilities are. The best way for them to do this is to send copies of their system maps in the area of the project.

It is desirable to have the utility bring the system maps to the OPM. In order to give the utility company sufficient time to route the OPM invitation to the proper person, research their facilities in the project area, and produce the appropriate system maps, the OPM invitation should be sent about 60 days prior to the OPM. The Region Utility Unit should be invited to all OPM's or scoping-type meetings.

WHAT TO DO AT THE OPERATIONAL PLANNING MEETING

- Have all participants sign a register. There should be a column on the register for each participant to indicate whether they would like to receive a copy of the minutes of the OPM.

- As the participants are introducing themselves, note which utilities are present.

- During the portion of the meeting set aside to discuss utilities, request that each of the utility representatives go to the exhibits and show where their existing facilities are located. Also, ask if

they have any plans at this time to install future facilities that should be considered during the design of this project.

- If any of the utility companies have existing facilities attached to a structure or propose to attach to the new structure, discuss the pros and cons of these attachments. (See the Utility Accommodation on Structures section below for further discussion on this topic.)

- If you do not already have a copy, ask each utility for a copy of their system maps for the project area. If a utility did not bring a copy of their system maps, request that they send you one.

- Ask if there are any other utilities present. (Some of them may have arrived late, and might have been missed during the initial introductions).

- Ask if there are any other known utility companies in the area that are not represented at the meeting. Utility companies are often aware of other facilities that are in the area.

- Are there any existing or proposed streetlights on the project? If so, begin discussions on how these will be handled during the project. Who will install them? How will they be maintained in the future? Will that work be included in the highway construction contract? Or will that be a separate contract? For more information on street lighting options, see the separate discussion titled "Street lighting – How will it be handled?" in this chapter.

- Call on the representative of the Region Utility Unit for any additional comments.

AFTER THE OPERATIONAL PLANNING MEETING

- Send copies of the notes of the OPM to the Region Utility Unit, and any utilities that requested copies at the meeting.

- If you requested a utility to send you system maps at the OPM, follow-up with phone calls until the maps are received.

- If a utility did not send a representative to the OPM, a follow-up letter must be sent to the utility. In this letter, include a copy of the minutes of the OPM, a request for the utility's system maps within the project area if they have not been received, and a request for any other pertinent information that might help us reduce the impact of our highway improvement project on the utility's facilities. The letter should also include additional information such as the Designer's name and phone number as shown in the example in Figure 4-2.

UTILITY ACCOMMODATION ON STRUCTURES

The July 14, 1997, memo regarding Utility Accommodation on Structures (Figure 4-3) establishes a policy and procedure for allowing utilities to attach their facilities to a bridge when the utility can prove there is no reasonable alternative. When this is permitted, the utility will be charged a fee that is based on the estimated additional design costs caused by the attachment.

In 2001 the Bureau of Structures was created. The 1997 memo in Figure 4-3 refers to the Preliminary Structures and Hydraulics Unit of the Bureau of Highway Development. The Preliminary Structures and Hydraulics Unit is now in the Structures Design Section of the Bureau of Structures.

The request for attachment should be made early in the design process, preferably at the OPM or shortly thereafter. The utilities must be notified at the OPM that they must make their request by the Utility Structure Attachment Deadline established by the Designer, or their request will be denied. **REMINDER: Our policy is to avoid attachments to bridges.** That is our goal. Only in unusual logistical or financial circumstances should we approve attachment to the bridge.

When attachment to a bridge is appropriate, an agreement must be written and signed by both the DOT and the Utility. A sample agreement is shown in Figure 4-4.

PLACING OVERHEAD WIRES UNDERGROUND

State law requires us to pay for utility land interests/relocations that are in new right-of-way acquisitions. (Chapter 84.09) There is no law that allows us to pay for utility relocations when the facilities are inside of right-of-way and they have no prior land interest. If a utility has a land interest and they are replacing overhead wires with underground wires, we do pay the costs. Placing overhead wires underground is not considered betterment.

Statute 84.093 "Cooperative Acquisition of Rights of Way" allows us to enter into contracts with a public utility "*for the receipt or furnishing of services, or the joint exercise of any power or duty required or authorized by law, relating to the acquisition, development or maintenance of rights-of-way to be used jointly by the department and a public utility or rural electric cooperative association."* (Pertinent utility related statute language included here - see statutes for complete language.) It is possible that this would allow us to pay for the under-grounding of utility lines, but a legal opinion would have to be obtained to determine if that is true. It was not the intent of this law to accomplish that.

There are some hidden costs and unfair financial burdens involved in the decision to place utility lines underground. Typically the property owner is responsible for all costs from a connection point on the outside of a structure. The utility company pays for any costs from the pole to this connection point. Everything beyond that is the property owner's responsibility. When lines are placed underground, this connection point has to be moved. This would be the property owner's cost. Also, building codes often require that when changes are made to the connection point, the system inside the building must be brought up to code. For example, current code might require a 100-amp electric service. Many older buildings have 50-amp service. When the connection point is moved, the service must be upgraded to 100-amp service.

That would mean changes are required inside the house. These changes could result in additional changes, and in the worst case require all new wiring inside the house, including new RFI receptacles in the kitchen and bathroom areas. While in newer or recently remodeled buildings the costs would be minimal, this can be a huge financial burden on property owners, especially in older parts of communities.

Another over-looked impact is that instead of overhead poles and wires, cabinets on the ground surface are required. Transformers and line connections that were previously up on poles now have to be located in cabinets on the ground. Property owners may not want a large green cabinet (or several cabinets when you consider electric, telephone, cable TV and internet service providers) in their front lawn. In older commercial areas where sidewalk goes from the curb to the building there is simply no place for these cabinets. Underground chambers may be possible, but they are even more costly and there needs to be a space for these as well. One solution is to change the service from the street side to the backyards of properties. This adds to the costs and may not even be physically possible on some properties.

Newer developments take buried utility locations into consideration in their design so utility service connections and cabinets are accommodated and are generally not an eyesore. Retrofitting existing buildings and development is not so easily done, and is certainly more expensive.

Administrative Rule PSC 130 (Figure 4-7) deals with municipal regulation of utilities in public rights of way. Section 130.03(1) states "*Aesthetics alone is not an adequate basis to justify a requirement to install facilities underground."* The rule goes on to say that this statement does not apply if the

municipality or a third party agrees to pay the cost difference between standard construction and underground construction.

On the Federal level, since the days of Ladybird Johnson's "Beautify America" program, the under-grounding of utilities is eligible for Federal funding, if it is permissible under state law.

On projects where there are historic properties, Section 106 mitigation requirements may result in paying to place utility lines underground. While this is rare, there have been instances where overhead lines were determined to affect the historic nature of the area and part of the project mitigation was to place the lines underground. In this case, the cost of placing the lines underground is considered a legitimate project cost.

WisDOT's Community Sensitive Design initiative does not allow the under-grounding of utility lines to be an eligible expense for the project amenities budget. The reason this is not allowed is because of the cost factor, and because of the possible negative impacts on adjacent property owners.

STREET LIGHTING – HOW WILL IT BE HANDLED?

On projects in urbanized areas there may be existing or proposed streetlights within the project limits. There are different ways that the lighting can be upgraded or relocated to accommodate the highway improvement project. The Operational Planning Meeting or Scoping Meeting is the place to discuss how street lighting will be handled on the highway improvement project. Hopefully a decision can be made at the meeting, but if not, at least the discussions should be started at the meeting, with appropriate follow-up and any necessary information gathering to occur shortly after the meeting. The decision on how to handle street lighting should not be left to the later stages of the design process.

The preferred method of handling street lighting is to include the work into the highway improvement project. This allows the highway contractor full control over the scheduling and prosecution of the work.

Another option may be to have the local unit of government make arrangements to have the appropriate work done outside of the highway improvement project. This requires the highway contractor to coordinate with the third party doing the work, but it can eliminate some of the requirements and limitations associated with including the work into the highway contract.

Some municipalities have their own electrical crews that can do the work in a timely manner when the work site is ready. Other municipalities have ongoing contracts or agreements with electrical contractors or electrical utility companies to maintain and upgrade the street lighting systems as necessary. Generally, no State or Federal funding is used when these arrangements are made. Although, if the work is being done by municipal forces, it may be possible to use a negotiated contract (Local Force Account).

There are times when it is in the best interest of the municipality to have the local electric utility company do the street lighting work and they want to pursue State or Federal funding for the work. WisDOT has received an annual renewable waiver from the competitive bidding process for street lighting work performed by a local electric utility company. This allows the WisDOT to enter into a purchase order with the local electric utility company for the street lighting work. The waiver caps the annual amount of money that can be spent in this manner. The cap is currently at $600,000. (Because of this cap, all projects must be routed through the Bureau of Technical Services Utility Engineer.) The municipality must provide a cost effectiveness finding that explains why the municipality wishes to have the local electric utility company do the work. Long-term maintenance costs can be included in this analysis.

There is no additional funding to do this work, the funding must come from existing project budget sources. The current Local Participation Policy applies to this work. See Figure 4-6 for an excerpt from this policy pertaining to street lighting. Figure 4-5 explains the procedure that must be followed if a community would like to use this new process for obtaining street lighting using State or Federal funding.

Wisconsin Department of Transportation

February 24, 1996

SANDEEP THAGUNNA
K'DU POWER AND LIGHT COMPANY
P. O. BOX 992
MADISON WI 53701

RE: Design Project ID 5972-01-01
Construction Project ID 5972-01-72
STH 11 - USH 14 Road
(East and West Mineral Point Road Intersections)
STH 184
Rock County

An Operational Planning Meeting (OPM) will be held on Wednesday, April 1, 1996, at 9:00 AM in the Green and Rock Rooms at the SW Region Madison Office. We will be discussing our basic project design and asking for input from the people present. This is an excellent time to exchange preliminary information, and to make us aware of any impacts that the proposed highway design may have on your facilities. In addition, please come prepared to discuss potential right-of-way acquisition needs that your company may have.

We expect that there will be new storm sewer constructed under this highway project. Therefore, we'll need to know the depth of your facilities, and whether there are any laterals that could conflict with new storm sewer. [USE THIS LANGUAGE ONLY WHERE APPROPRIATE.]

The DOT discourages attachments to structures. Therefore, the reconstruction of the bridge at _____ provides an opportunity to design an alternate route for the utility facilities that are currently attached to this bridge. We expect your company to find another route for your facility that would avoid an attachment to the new structure. Please come to the OPM prepared to discuss this issue. [ADAPT AS NEEDED AND USE WHERE APPROPRIATE.]

Enclosed are the following:

1) An 8 1/2" x 11" map of Rock County and 8 1/2" x 11" plat maps of the Towns of Center and Janesville, showing the location of this project.
2) A copy of the Concept Definition Report.
3) Three preliminary plan sheets, marked 4.3, 4.4, and 4.5 in the upper right hand corner

Please bring copies of your system maps for your facilities in the area of this project to the meeting. These maps will be used to verify utility facility ownership on our plans.

I would like to thank you in advance for your cooperation and assistance in our project development efforts. If you have any questions, please contact me at xxx-xxx-xxxx.

Sincerely,

Dustin Brunette
Region Utility Coordinator

Enclosures

Wisconsin Department of Transportation

September 22, 1994

Drew Grodsky
Dodgeville Water Utility
1114 Barnes Street
Dodgeville, WI 53533

Dear Mr. Grodsky:

Operational Planning Meeting Follow-up
Design Project ID 5255-03-00
Dodgeville - Spring Green Road
(Dodgeville-Percussion Rock Road)
STH 23 Iowa County

On September 20, 1994, an Operational Planning Meeting (OPM) was held for the above project. In our July 22, 1994 OPM invitation, I had requested information concerning your utility's facilities within the project limits, suggesting that you provide us with copies of your system maps.

I have not received these maps. I have included a project location map to help you in determining which portions of your facilities may be affected by this project. The system maps will help to correctly identify facility ownership on this project, and will enable the designer to try to minimize the conflicts with your facilities.

Please send a copy of your system maps in this area, along with any other pertinent information, to Dalton Brunette at the above address or notify me if you have no facilities within the project limits. If you have questions about this letter or the project, please call the Project Designer, Rinku Thagunna, at (xxx)-xxx-xxxx, or the Utility Coordinator for this project, Dalton Brunette, at (xxx)-xxx-xxxx.

Copies of the handouts and the notes from the Operational Planning Meeting are enclosed. These will help you in assessing the impacts of this project on your facilities.

Sincerely,

Brian J. Wilson, P.E.
Region Design Supervisor

CORRESPONDENCE/MEMORANDUM **STATE OF WISCONSIN**

DATE: July 14, 1997

TO: District Chief Project Development Engineers
District Chief Systems Planning & Operations Engineers

FROM: John Haverberg, P.E., Director
Bureau of Highway Development

David I. Vieth, Director
Bureau of Highway Operations

SUBJECT: Utility Accommodation on Structures

The following process change for structures on Interstate, United States Highway (USH), and State Trunk Highway (STH) Systems is being implemented to enable the utility/structure accommodation decision to be made in a timely manner and prior to the submittal of the Structure Survey Report. In the past, there have been problems with utility accommodation requests after the structure design had commenced requiring structure plan revisions and project schedule modifications.

The process change is the result of a partnering effort between Transportation District 1 and the Bureau's of Highway Development and Highway Operations. We believe the product is an improvement that will be useful statewide. In addition, this process change will improve the ability of the Wisconsin Department of Transportation (DOT) to capture the costs of utility accommodation in accordance with the *Utility Accommodation Policy*. The change will go into effect for design projects with Operational Planning Meetings (OPM) or the start of final design on a major (EIS) project scheduled on or after October 1, 1997. The Facilities Development Manual (FDM), Bridge Manual, and Maintenance Manual will be updated to reflect this process change.

The DOT *Utility Accommodation Policy*, Section 96.23, states that utility structure attachments should be avoided. When a utility can **justify** that it must attach its facility to a structure, the utility has been accommodated by the issuance of a permit for the attachment. It is also DOT policy that the utility shall be responsible for all DOT costs associated with such attachments including, but not limited to, additional design time, increased bridge deck thickness, and future bridge maintenance. In the past, DOT has not uniformly enforced the policy of charging utilities for the additional design, construction, and maintenance costs incurred due to utility structure attachments.

The following procedure is created regarding utility accommodation on structures:

1. At the OPM or at a special utility meeting after the OPM, all utilities present will be informed that if a structure attachment can not be avoided, a request along with justification for the structure attachment shall be submitted no later than a date hereinafter referred to as the Utility Structure Attachment Deadline (USAD). The justification should be sufficient to prove that there are no reasonable alternatives for the utility other than attaching to the structure. The USAD should be a date selected by the project manager sufficiently in advance of the date for structure survey report submittal to enable the district to analyze the justification. The letter inviting the utilities to the OPM or special meeting or alerting the utilities of the start of final design on a major (EIS) project should emphasize that utility accommodation decisions need to be made in advance of structure design in order to accommodate the utility on the structure and that the USAD is the date selected for the receipt of requests. It should be emphasized that

utility requests for structure attachments received after the USAD will be denied unless the utility can justify the reason for the delay in the accommodation request.

2. If any requests for structure attachments are received, the district shall analyze the request, solicit further information from the utility if necessary, and involve Bureau of Highway Operations personnel as necessary. The Preliminary Structures and Hydraulics Unit of the Bureau of Highway Development shall be consulted to provide their input on the structural and cost impact of the utility accommodation. Based upon the input received, the district shall make the decision on whether the utility meets the *Utility Accommodation Policy* requirements and can be accommodated on the structure. The district shall send a letter to the utility notifying them of whether or not its facility will be accommodated on the structure. If the decision is for accommodation, a copy of this letter shall be attached to the Structure Survey Report. The utility shall provide a general engineering layout with the submittal of all requests for utility accommodation on a structure. This layout shall also be attached to the Structure Survey Report.

3. The district shall request an estimate of design and construction costs from the Preliminary Structures and Hydraulics Unit in the Bureau of Highway Development. This lump sum estimate of costs shall be incorporated into a letter agreement with the utility for reimbursement of these costs. Generally, design and construction costs will only include the effort to provide box outs for the utility in the substructure units, hanger accommodation on the deck, and sufficient structural capacity to support the utility. Hangers, pipe supports, diaphragms, and all other hardware shall be designed by the utility and provided by the utility to the structure contractor. This letter agreement shall be combined with the letter discussed in Article 2 above. The letter agreement also establishes that the utility shall be responsible for all future maintenance costs associated with the attachment. These include the increased costs for structure inspections, painting, repairs, and redecking that the Department may incur due to the attachment's interference with these operations. The utility will be billed for these costs at the time they occur. A sample approval letter/agreement is attached to this memo. The utility shall attach a signed approval/agreement letter with a check made out to the Wisconsin Department of Transportation for the additional design and construction costs for structure attachment to the *Application/Permit to Construct and Operate Utility Facilities on Highway Right-of-Way* as outlined in the DOT *Utility Accommodation Policy*. The district utility permit coordinator shall submit the signed letter agreement and check to the Department Cashier in the Bureau of Financial Services.

This process change clarifies the procedure for accommodating utilities on Interstate, USH, and STH structures and enhances the method for DOT to capture the cost of accommodation. The scheduling portion of this process change should be used on County Trunk Highway, local, and connecting highway bridges enabling timely decisions on structure accommodation and incorporation in the structure design.

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Wisconsin Department of Transportation

APPROVAL LETTER/AGREEMENT

[September 22, 2004]

[Name of Utility Representative]
[Address of Utility]

Dear [Name of Utility Representative]

Project ID [Project ID]
[Project Title, Structure Number, Highway, County]

Your request to attach your [type of facility (i.e.) fiber optic conduit, sanitary sewer, gas main, etc.] to Structure [structure number] is approved.

Your company shall be responsible for all Department costs associated with the attachment including, but not limited to, the additional design time and increased structure cost. We estimate the cost of additional design engineering and structure cost to be a lump sum of $_____. Your company shall also be responsible for all future maintenance costs associated with the attachment. These include the increased costs for structure inspections, painting, repairs, and redecking that the Department may incur due to the attachment's interference with these operations. Your company will be billed for these costs at the time they occur. All this is in accordance with the Department's *Utility Accommodation Policy*.

When you send in your "Application/Permit to Construct and Operate Utility Facilities on Highway Right-of-Way" to me, please attach this signed letter agreement and a check made out to the Wisconsin Department of Transportation for the above amount.

Sincerely,

[Region utility permit coordinator –
or as determined by the Region]

Accepted/Approved for

_____
[Signature of utility representative]

_____
Title

_____
Date

cc: Region Utility Coordinator

Procedure for Purchasing Street Lighting from Local Utility

This procedure is for use with investor-owned electric utility companies. Street lighting to be constructed by municipally owned electric utilities should use a Local Force Account agreement. The Office of General Counsel has stated the Department views the Municipality and the Municipally owned utility as the same entity and therefore the use of a Local Force Account agreement is appropriate.

1. **Region** establishes a project in a municipal area. **Municipality** expresses a desire to have new/revised street lighting in the project area. The preferred method of providing street lighting is to include the street lighting work in the let highway improvement project. If that method is not acceptable to the local government, use the following procedure.

2. The **Region** receives request from **Municipality** to have local electric utility install and maintain street lighting system. There must be an associated highway improvement project. WisDOT will not be involved in stand-alone street lighting projects.

3. The **Municipality** must provide a cost effectiveness finding that shows it is in the public interest to contract with the local utility for the street lighting system. This finding should give the reasons why the Municipality wants to use the local electric utility to do the work. Long-term maintenance costs can be considered in their justification.

   The procedure for cost effectiveness findings in Facilities Development Manual Procedure 3-20-12 applies except that at this time there are no programmatic exceptions for street lighting. There may be in the future, but there are none now. Also, Procedure 3-20-12 was written for non-competitive bid contracts with local units of government, so some of the guidance does not apply. A purchase order for street lighting is not a Local Force Account agreement.

4. If the **Region** does not want to go forward, they notify the **Municipality** that the request was denied. If the **Region** concurs, they approve the cost effectiveness finding and forward it to **FHWA** for concurrence if it is a Federal Oversight Project. If the **FHWA** concurs with the cost effectiveness finding, the region proceeds to the next step. *(Note: there must be sufficient money programmed within the project budget to include street lighting. There is no special pot of money set aside for street lighting. It must come from existing funding sources.)*

5. The **Region** authorizes the **Municipality** to obtain a cost estimate from the local electric utility for the work to be done. *(They may have done this already and it may have been part of their cost effectiveness finding. If so, that cost estimate may be used.)* The Public Service Commission regulates the utility company rates, which will vary over time as material and labor prices change. The estimate at this time, which may be several years prior to construction, is just a preliminary estimate so that we may set up the project and schedule the dollar amount. A final estimate will be obtained prior to creating the purchase order.

6. The **Region** sends a copy of the approved cost effectiveness finding to the **State Utility Engineer** in the Bureau of Technical Services Utility and Access Unit. The **State Utility Engineer** will determine if spending authority is available in the scheduled construction year. If the spending authority is still available the **Region** will be notified to proceed with scheduling a project. If additional spending authority is not available, the **Region** will be notified that they cannot proceed with purchasing street lighting using this process.

Note: The Department has received a waiver from the competitive bidding process for street lighting to be constructed by local electric utility companies. This spending authority is currently capped at $600,000 per year. The State Utility Engineer is responsible for monitoring this spending authority.

7. Using the estimate the **Region** develops an agreement or modifies the existing Project Agreement with the **Municipality** to participate in the costs of the street lighting according to the current cost sharing policy. The agreement should make it clear that the **Municipality** is responsible for supplying power to and maintaining the system.

8. The **Region** schedules a project in FIIPS for the work in the appropriate construction season. Notify the State Utility Engineer of the street lighting project ID number. *(See additional notes on scheduling a project on Page 4 of this figure.)*

9. The **Region** enters into a "preliminary" letter agreement (sample on Page 5 of this figure) with the local electric **Utility** to provide the street lighting. Utility companies require that the agreement be with the customer but most of them have agreed to accept an agreement from the Department. The **Municipality** must also enter into an agreement with the local electric utility for supplying the power and the maintenance of the street lighting system.

(Note: Most electric companies adjust their rates annually, and cannot enter into an agreement more than one year prior to construction. The estimated dollar amounts prior to that cannot be guaranteed, but are a good basis for establishing the dollar value of a project.)

10. When the construction season approaches, the **Region** obtains a "final" letter agreement with revised prices from the **Utility**. This is similar to the "preliminary" letter agreement except that the costs are binding unless the scope of the work changes. The Region TIPS Coordinator uses the "final" letter agreement with the **Utility** to create a Purchase Order for the work. This is the encumbering stage. The purchase order needs a commodity code (a special one was established by the Purchasing, Fleet and Distribution Section of the Bureau of Business Services), Project ID, Description ~ "Utility Services as attached," etc. A copy of the "final" letter agreement with the **Utility** would be attached to the Purchase Order.

(Note: Purchase orders are generally only good for about a year. Creating a Purchase Order several years in advance of construction may cause problems for the purchasing people within the regions. PSC tariffs require that the utility company collect the money before the work is done. However, given the fact that the purchaser is the State most utility companies are willing to do the work first and then bill us.)

11. **Utility** does work & invoices **Region**.

12. **Region** receives invoice from **Utility** and verifies that the work is done.

13. **Region TIPS Coordinator** sends payment to **Utility**.

14. **Municipality** pays their share as part of the normal Project Agreement process.

15. Project is closed out.

NOTES:

There is no special funding set aside specifically for street lighting.

A waiver from the competitive bidding process has been approved, but the amount of money that can be spent using this process in a given year is limited, currently the limit is $600,000.

Projects must be funded according to normal policies and practices.

The current cost sharing policy regarding street lighting applies to these projects.

Permits for the lighting will still have to be obtained from the maintaining authority. The lighting design must meet the current lighting standards.

SETTING UP A STREET LIGHTING PROJECT USING LOCAL ELECTRIC UTILITY IN FIIPS

PROJECT DESCRIPTION SCREEN

1. Legislative Subprogram = As appropriate. 303 will be most typical
2. Functional Type = Construction
3. WisDOT Program = State 3R - Allocated if 303 work.
4. Proratable Eligible = Yes
5. Improvement Concept = As appropriate, Reconstruction - Preservation will be most typical.
6. Improvement Work Type(s) = Lighting

ESTIMATE SCREEN

1. Component Type = MIS (primary component...no delivery)

Note: There is no utility agreement here as in normal utility type projects. A purchase order will be created with the local utility for the entire amount of the work. SPO staff will get this P.O. from the PDS staff.

1. Component Schedule Date = 25th of the month.

FUNDING SCREEN

1. Most projects will be state/local (i.e. state appropriation 363, 373).

Location and other FIIPS data should be entered as appropriate for the project. Please contact the System Support Unit in the Program Finance Section of the Bureau of State Highway Programs in the Division of Transportation Investment Management if you have other FIIPS questions.

Wisconsin Department of Transportation

Letter Agreement

November 4, 2002

Project Manager
WisDOT
PO Box ###
Region City, WI ####

RE: Street Lighting located on STH ## in the Town of Anytown.
Our Electric Company Utility Company Work Order # (optional)
WisDOT Project Number: ####-##-##

Dear _____:

Our Electric Company has received a request from the Wisconsin Department of Transportation for the relocation or removal of streetlights and/or poles and the installation of new lighting as detailed below:

Work	Fixture HPS/MH	Wattage	Pole #	Location
Relocate	Cobra-SCO HPS	100 watt	##-####	Move Pole 5' Back To Accommodate New Curb Radius
Remove	Cobra-FCO HPS	150 watt	##-####	Intersection of Main & North
Install 40 Poles & fixtures	XXXXXX XXX	150 watt		Elm Street to Barnes Street on Highway 11

Additional Information:

The charge for this relocation or removal is $XXX, and does/does not include site restoration. Our Electric Company will bill the Wisconsin Department of Transportation for the charges associated with this project on completion of Our Electric Company's portion of the project. Upon completion of this work, the associated monthly charges based on the tariff rate(s) will be adjusted on the customer's monthly billing statement as of the effective date of the changes.

The timing of the work will be coordinated with the highway construction project contractor.

Our Electric Company has designed this project to conform to the Illuminating Engineering Society's minimum standard for continuous roadway lighting levels.

Our Electric Company will:

1) **Adequately maintain the facilities and provide continuous service in compliance with Wisconsin Public Service Commission rules and regulations,**
2) **Utilize agreed upon accounting and rate determination practices in compliance with Wisconsin Public Service Commission rules and regulations and the Code of Federal Regulations, Title 23, Chapter I, Section 645, Utilities.**
3) **Relinquish ownership and possession of all involved lighting facilities to the State/municipality should the Utility Company either go out of business or be sold to another company who is unwilling to abide by the terms of the agreement.**

In order for Our Electric Company to perform this work, written authorization is required of both the local municipality and WisDOT, please sign this letter and return it in the enclosed envelope. Our Electric Company will bill WisDOT for the cost associated with this project upon completion of the project. This work order will be released to construction for scheduling after this authorization has been received and all contingencies have been met.

If you have any questions, please call me at xxx-xxx-xxxx.

Sincerely,

Brian Pagel

Authorization is given for street lighting on STH XX for Our Electric Company Work Order ###

By:_____ Date:_____

Print Name: _____ Title: _____

NOTE to Designers/Electric Company Staff: The bold wording above is required, inserting the proper utility company name, of course. Add additional wording or information to address any project specific situations, such as "The lighting system was designed by Emerald City Engineering and approved by WisDOT Permit Number 2641."

Cost Effectiveness Finding Sample:

Date: July 20, 2006

To: Jeff Hess, PE
Project Development Manager
North Central Region

From: Payton Morse
PDS Project Manager

Subject: Cost Effectiveness Finding
Purchasing Street Lighting From Local Utility
Project ID 9535-02-78
Mueller and Alfred Streets
STH 97
Village of Athens
Marathon County

The Village of Athens has submitted a request to purchase street lighting from the local electric utility, Wisconsin Gas & Electric, as part of the above mentioned highway improvement project. A special project ID number, 9539-02-78, has been established just for the street lighting.

The attached documentation identifies cost savings in design, construction and maintenance.

I believe that the documentation shows that this request to purchase street lighting by use of a Purchase Order is in the public interest.

Payton Morse	*July 20, 2006*
Region Project Leader	Date

I concur:

Region Project Development Chief	Date

cc: Region SPO
Village of Athens
State Utility Engineer

Village of Athens Letterhead

Date: July 14, 2006

Payton Morse
Wisconsin Department of Transportation
North Central Region
1681 Second Avenue S
Wisconsin Rapids, WI 54495

The Village of Athens requests permission to have Xcel Energy install the street lighting on highway improvement project 9535-02-07, STH 97 – Mueller and Alfred Streets.

We consider the performance of this work with the local utility to be in the public interest on the basis that:

1. The anticipated cost of labor, equipment and materials will be less than that which could be expected through the competitive bidding process. (See attached proposal from Xcel and a cost estimate based on past bid prices.)

2. The utility company staff is properly trained and equipped to perform the proposed work. The Village does not have staff that is qualified to maintain the lighting system.

3. The Village has a long-term agreement with Xcel to maintain the existing lighting system. Xcel requests that if they are to maintain the proposed lighting system, they install the above ground fixtures to established company and WisDOT standards. It would be an inconvenience and wasteful for the Village to make other arrangements for the maintenance of the lighting fixtures involved in this project.

4. The Village does not want to maintain an inventory of spare parts for the lighting system. It is more efficient and cost effective if the local utility company keeps an inventory of spare parts that will be needed to replace and maintain the lighting system.

Taylor Peterson — Village President

July 14, 2006 — Date

WISDOT DIVISION OF TRANSPORTATION MANAGEMENT PROGRAM MANAGEMENT MANUAL EXCERPT:

Document 03-25-10
State Highway Programs
Local Participation Policy
Participation

5.4.8 Street Lighting

Replacement street lighting necessitated by the street or road construction is eligible if the affected jurisdiction(s) agree to accept responsibility for the energy, operation, maintenance, and replacement of the lighting system (including associated costs). In urban areas, provided the affected local jurisdiction(s) agree to accept responsibility for the energy, operation, maintenance, and replacement of the lighting system (including associated costs), new continuous street lighting designed to national standards adopted by WisDOT is 50 percent eligible.

WisDOT will participate in the costs of new continuous street lighting only if it is installed at the time of project construction, except as it may qualify under special funding programs specifically for lighting. Where an alternate design acceptable to WisDOT is installed, 50 percent of the cost equivalent to lighting meeting WisDOT standards is eligible, not to exceed 50 percent of actual costs.

Chapter PSC 130

MUNICIPAL REGULATION OF MUNICIPAL RIGHTS–OF–WAY

PSC 130.01 Definitions.
PSC 130.02 Scope.
PSC 130.03 Special design and construction conditions.
PSC 130.04 Discrimination.
PSC 130.05 Management function costs.
PSC 130.06 Bonds and insurance.
PSC 130.07 Restoration.
PSC 130.08 Compliance with existing law.
PSC 130.09 Permanent relocation of utility facilities.
PSC 130.10 Advanced excavation work plans.
PSC 130.11 Facilities mapping.
PSC 130.12 Abandonment.
PSC 130.13 Municipal regulation challenges.

PSC 130.01 Definitions. In this chapter:

(1) "Actual cost" means identifiable costs that are reasonably incurred by a municipality, but does not include a contribution of surplus income to general revenues.

(2) "Municipal regulation" includes any ordinance or resolution adopted by the governing body of a municipality relating to utility use of municipal rights–of–way or any contract entered into by a municipality and a utility relating to utility use of municipal rights–of–way.

(3) "Municipal right–of–way" means a right–of–way owned or controlled by a municipality.

(4) "Municipality" means a city, village, or town.

(5) "Transmission and distribution facilities" includes any utility pipe, pipeline, wire, cable, duct, conduit, fiber optics or radio signal transmission equipment, and associated utility plant and equipment, whether underground or above ground, in a municipal right–of–way.

(6) "Utility" means a public utility, as defined in s. 196.01 (5), Stats., and includes a telecommunications carrier, as defined in s. 196.01 (8m), Stats.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.02 Scope. This chapter applies to complaints involving utility access to and use of municipal rights–of–way within a municipality under ss. 196.499 (14) and 196.58 (4), Stats.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.03 Special design and construction conditions. (1) Except as provided in sub. (2), a municipal regulation that requires a utility to install, at the utility's expense, transmission or distribution facilities which are not consistent with the utility's practice for design or construction of utility facilities is unreasonable unless there is an adequate health, safety, or public welfare justification for the requirement. Aesthetics alone is not an adequate basis to justify a requirement to install facilities underground.

(2) Subsection (1) does not apply if all of the following conditions are met:

(a) The municipality or a third party agrees to reimburse the utility for the difference in cost between the standard design or construction techniques of the utility and any special design or construction requirement sought by the municipality.

(b) The special design or construction requirement is consistent with safe and reliable utility construction practices.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.04 Discrimination. Unless there is an adequate health, safety, or public welfare justification, it is unreasonable for a municipality to deny a utility access to a municipal right–of–way or to discriminate between utilities seeking access to municipal rights–of–way.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.05 Management function costs. (1) A municipal regulation is unreasonable if it requires a utility to pay more than the actual cost of functions undertaken by the municipality to manage utility access to and use of municipal rights–of–way. These management functions include all of the following:

(a) Registering utilities, including the gathering and recording of information necessary to conduct business with a utility.

(b) Except as provided in sub. (2), issuing, processing, and verifying excavation or other utility permit applications, including supplemental applications.

(c) Inspecting utility job sites and restoration projects.

(d) Maintaining, supporting, protecting, or moving utility equipment during work in municipal rights–of–way.

(e) Undertaking restoration work inadequately performed by a utility after providing notice and the opportunity to correct the work.

(f) Revoking utility permits.

(g) Maintenance of databases.

(h) Scheduling and coordinating highway, street, and right–of–way work relevant to a utility permit.

(2) A municipal regulation is unreasonable if it requires a utility to be responsible for fees under s. 182.0175 (1m) (bm), Stats., that may be assessed to a municipality as a member of the one–call system under s. 182.0175, Stats.

(3) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under sub. (1) (a), (b), (e), and (g) through a pre–excavation permit fee.

(4) It is reasonable for a municipal regulation to provide for the recovery of costs incurred under sub. (1) (d), (e), and (f) only from the utility that is responsible for causing the municipality to incur the costs.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.06 Bonds and insurance. A municipal regulation may impose reasonable bonding and insurance requirements on a utility seeking a permit to use a municipal right–of–way, provided the municipality has reasonable grounds to question the financial responsibility or compliance ability of the utility.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.07 Restoration. A municipal regulation is unreasonable if it requires a utility to restore a municipal right–of–way to a condition that improves upon the pre–excavation condition.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.08 Compliance with existing law. A municipal regulation is unreasonable if it is not in substantial compliance with state statutes, including ss. 66.0831 and 66.1005 (2), Stats.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03; **correction made under s. 13.93 (2m) (b) 7., Stats.**

PSC 130.09 Permanent relocation of utility facilities. (1) A municipal regulation that requires a utility to permanently relocate transmission or distribution facilities in a municipal right–of–way at the expense of the utility is unreasonable unless there is an adequate health, safety, or public welfare justification for the requirement.

(2) A municipal regulation that requires a utility to permanently relocate transmission or distribution facilities in a municipal right–of–way at the expense of the utility substantially for the benefit of a person other than the municipality is unreasonable.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.10 Advanced excavation work plans. A municipal regulation that requires a utility to submit to a municipality its future construction or excavation work plans is reasonable in order for the municipality to coordinate work within a municipal right–of–way. It is unreasonable for a municipality to deny a permit for a utility excavation not identified on a work plan if the excavation is needed by the utility to restore service to an existing customer or to provide service to a new customer.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.11 Facilities mapping. For purposes of acquiring a permit, a municipal regulation is unreasonable if it requires a utility to submit a map indicating the location of utility facilities, other than utility right–of–way construction plans and field sketches in the format maintained by the utility, for facilities that are the subject of the permit.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.12 Abandonment. A municipal regulation is not unreasonable if it requires a utility to notify the municipality of the utility's intent to abandon transmission or distribution facilities and requires the utility to provide a map, at the utility's expense, depicting the location of any facility within that municipality that the utility intends to abandon.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.

PSC 130.13 Municipal regulation challenges. A municipal regulation is unreasonable if it requires that, as a condition of obtaining a permit, the utility agree that the municipal regulation is valid and not subject to challenge.

History: CR 01–077: cr. Register June 2003 No. 570, eff. 7–1–03.